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| Office Action Summary | Application No. 10/785,303 | Applicant(s) JANESKY, LAWRENCE M. | |
| | Examiner Gregory A. Wilson | Art Unit 3749 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

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|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>3/10/08</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to recite “an integral flat outer surface surrounded by an integral recessed peripheral border, the recessed peripheral border being recessed relative to the flat outer surface....” However, in view of the drawings, the integral flat outer surface surrounded by an integral recessed peripheral border has not been identified and it is now unclear which structure is mounted to the crawlspace wall and does the recessed portion extend into or protrude out of the wall.

Additionally, Claim 1 has been amended to recite that “an integral recessed inner surface (13) surrounded by an integral projecting peripheral border, said recessed inner surface being recessed relative to the projecting peripheral border and being provided with integral projecting reinforcing ribs which extend across the width of the panels to reinforce the panels against warpage...” however, this is not definitive since Figure 1 shows the projecting reinforcing ribs extending across the width of the integral recessed inner surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Crute, Jr. (2,834,278) in view of Snyder (6,601,356) and further in view of Tegland (5,713,172)**. Crute, Jr. discloses an air vent cover (22, 24, 26) which is capable of being mounted to an opening of a crawlspace wall over an air vent opening (12) includes an integral structure of a rectangular panel made of a plastic material (SEE column 2, line 64 – column 3, line 4) and includes an integral flat outer surface (22) surrounded by integral recessed peripheral border (24) wherein the border is recessed relative to the flat outer surface (SEE Figure 2) which has a width which can accommodate a fastening means, an integral recessed inner surface (26) surrounded by an integral projecting peripheral border wherein the recessed inner surface is recessed relative to the projecting peripheral border. Crute, Jr. furthermore includes a sealing means (30) of rubber or other suitable material bonded to the projecting peripheral border surrounding the recessed inner surface and provides a seal around the opening in the crawlspace wall. Crute, Jr. does not specifically teach a plurality of holes for receiving attachment means for fastening the cover to the crawlspace wall, however the rectangular vent cover taught by Snyder teaches that it is common knowledge in the art to provide a plurality of screw holes in the flange portion of a frame for mounting purposes. It would

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have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the flange portion of Crute, Jr. to include screw holes with accompanying screws as taught by Snyder for the purpose of securing the vent frame cover (22, 24, 26) to the wall of a crawlspace wall. Additionally, Crute, Jr. does not teach that the integral recessed inner surface (26) has projecting reinforcing ribs which extend across the width of the vent closure. Tegland teaches that it is very well known in the art of ventilation to incorporate reinforcing ribs for providing structural strength to a ventilation structures.(SEE column 2, lines 28-40). To apply the known technique of incorporating reinforcing ribs to vent structures to improve the structural strength of the crawlspace vent construction of Crute, Jr. in view of Snyder would have been obvious to one of ordinary skill in the art to which the subject matter pertains.

Claims 1, 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hempel (4,502,368) in view of Tegland (5,713,172)**. Hempel discloses an air vent cover (10) which is capable of enclosing an air vent opening of a crawlspace wall, and includes a rectangular panel (SEE Figures 1 & 2) of unitary construction which can be made of plastic (SEE column 1, lines 54-56) and includes an integral flat outer surface (15) surrounded by an integral recessed peripheral border (SEE Figure 2) being recessed relative to the flat outer surface and being provided with a plurality of holes (14) for receiving attachment means (34a, 34b) for fastening the cover to a crawlspace wall and in integral recessed inner surface (11) surrounded by an integral projecting peripheral border, the recessed inner surface being recessed relative to the projecting

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peripheral border. Hempel does not particularly teach reinforcing ribs which extend across the width of the panels to reinforce the panels against warpage. Tegland teaches that it is very well known in the art of ventilation to incorporate reinforcing ribs for providing structural strength to a ventilation structures.(SEE column 2, lines 28-40). To apply the known technique of incorporating reinforcing ribs to vent structures to improve the structural strength of the crawlspace vent construction of Hempel would have been obvious to one of ordinary skill in the art to which the subject matter pertains and is not recognized as being an inventive limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory A. Wilson/
Primary Examiner, Art Unit 3749
March 13, 2008